Law Reform Commission

Thirty-fourth
Annual Report
2004-2005

Manitoba
Law Reform
Commission

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Manitoba

Law Reform Commission

Commission de réforme du droit

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THIRTY-FOURTH ANNUAL REPORT

2004-2005

March 31, 2005

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

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Hon. Mr. Justice Gerald O. Jewers
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THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law which are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act; and
- the development of new approaches to and new concepts of law in keeping with and responsive to the changing needs of society and of individual members of society.

MANDAT DE LA COMMISSION

La Commission de réforme du droit du Manitoba est un organisme indépendant du gouvernement du Manitoba, établi en vertu de la *Loi sur la Commission de réforme du droit*. La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue:

- de supprimer les dispositions du droit qui sont désuètes ou incompatibles;
- de soutenir et d'améliorer l'administration de la justice;
- d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;
- d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société.

A message from the President

As this will be the last Annual Report which I shall write as President of the Manitoba Law Reform Commission having tendered my resignation to the Minister of Justice and Attorney General effective June 30, 2005, it would be all too easy and tempting at such a time as this to become overly reminiscent. Therefore, I have decided to confine myself to just one high point and one low point which stand out in my memory over the 26 years that I have been privileged to preside over the Commission.

The high point was in April 1988 when I received a phone call from the then newly appointed Attorney General, the Hon. James C. McCrae, to return and take over the chair of the Commission which had been as good as abolished by the previous government. This was a high point both for me and the Commission because the Minister asked us to prepare new legislation which would set up the Commission as originally intended back in 1970 as a truly independent body with adequate resources and therefore with the ability to fulfil its original mandate of making recommendations for the improvement, modernization and reform of the laws of Manitoba. We were given the resources to carry out this mandate. I still remember the enthusiasm and zest with which we undertook this challenging task.

The low point came in March 1997 when I received a phone call out of the blue from the Deputy Attorney General stating that it was planned to repeal our governing legislation and dispense with the Commission and its staff at the end of June when funding would cease. This came as a terrific shock to me and I immediately set about taking steps to meet with both the Minister and members of the legal profession to see if the Commission could be retained in some viable form. The outcome of these labours was to some extent successful but also disappointing. The Commission was to be allowed to continue but would have to do so for the remainder of the fiscal year with funds remaining in its reserve fund. An annual grant of only $50,000 would then be provided in years to follow. The sections of the legislation which were repealed resulted in our inability to retain any permanent staff so that any research would have to be done on an ad hoc consultancy basis. However, the commissioners and I took this as a challenge to see what could be done with these limited resources and I believe we have proved that we have been able to continue to produce valuable recommendations for the improvement and reform of the laws of this Province.

Since 1997, I am glad to say that the Commission has continued to operate successfully largely due to the generous grants which we have received from the Manitoba Law Foundation coupled with some limited increases of our grant from the government.

I would like to pay tribute here to all the fellow members of the Commission and to our Administrator, Suzanne Pelletier, who over the many years that I have served as their chair have always worked with me most helpfully and cooperatively. Certainly we could not have achieved what we have done without the tremendous support and encouragement from everyone.

Thus, as I hand over this body to my successor, I trust that he or she will be able to obtain solid resources for the continuation of the work of reform of the laws of Manitoba which I continue to believe is a very important and necessary task.

Clifford H.C. Edwards, Q.C.,
President

PART I

INTRODUCTION

Some of our President's former students at the Faculty of Law would expect him to say something in Latin or at least refer to the Romans when reminiscing on the history of law reform. We believe that he would, therefore, just point out that law commissions are not mere creatures of modern times. Around 500 A.D., the then Roman Emperor, Justinian, appointed one of the earliest commissions. It was responsible for the eventual publication of the famous *Institutes* of Justinian (which Prof. Edwards studied as a first year law student) and ensured the immense prestige and continued influence of the Roman law to both the civil and common law systems to this day.

> To clarify the law, Justinian appointed a commission headed by the jurist Tribonian. This commission collected and ordered all the constitutions promulgated since the time of Hadrian and published them as the *Codex Justinianus* (529). There followed the collection of opinions of the jurists, the *Digest*, or *Pandects* (533), and a general textbook of the law, the *Institutes*. Justinian's own legislation was collected in the *Novellae* (565). By this great work of codification Justinian assured for the Roman Law an immense prestige and far-reaching influence, ... [1]

In our view, law reform is a continuing process which cannot be allowed to disappear. Although the laws which our Commission has reviewed over the past 34 years have not always been "high profile", when our recommendations are implemented they do result in the elimination of outdated or redundant legislation and the implementation of new and improved legislation in keeping with the changing needs of society.

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[1] *The Encyclopedia of World History: Eastern Europe, 500-1025.*

PART II

THE YEAR IN REVIEW
April 1, 2004 to March 31, 2005

1. REPORT ISSUED

#110 - Substitute Consent to Health Care (October 2004)

The Commission recommends a number of steps that should be taken to overhaul Manitoba's laws relating to substitute consent to medical treatment. This Report complements the Commission's previous report on the withholding or withdrawal of life sustaining medical treatment.

Although *The Health Care Directives Act* permits people to designate proxies to make treatment decisions on their behalf in the event of incapacity, it appears that few people take advantage of this option. As a result, the Commission recommends that the Act be amended (with concomitant amendments to *The Mental Health Act* and *The Vulnerable Persons Living with a Mental Disability Act*) to include clear and consistent rules about who is authorized to make treatment decisions for persons who are unable to do so for themselves and who have not appointed a designated proxy. It sets out the hierarchy of persons from whom consent to treatment (or its withdrawal) should be sought in these situations; the qualifications and scope of authority of substitute decision makers; guidelines to be followed in making decisions, resolution of disputes among substitute decision makers and a review and appeal process.

The Commission also recommends that the Province undertake an on-going campaign of public education about the options available to deal with these decisions.

We believe that these recommendations will provide much-needed clarity and assistance to health care professionals, as well as to incapable patients and their families and friends.

The full Report and the Executive Summary can be found at our website at: http://www.gov.mb.ca/justice/mlrc/

2. IMPLEMENTATION

In December 2004, the Minister of Justice and Attorney General introduced Bill 11, *The Provincial Court Amendment Act (Justices of the Peace)*. It implements several of the recommendations contained in our Report on *The Independence of Justices of the Peace and Magistrates* (Report #75, August 1991). The term "magistrate" will be replaced with the term "justice of the peace". Justices of the peace will be appointed based on recommendations of a nominating committee. They will be appointed during good behaviour and can only be removed after an independent review of their conduct. As stated in our Report, these proposals

> . . . would effect significant changes in the status of justices of the peace in Manitoba. In part, they are aimed at ensuring that their status is consistent with the level of independence and impartiality mandated by the *Charter of Rights and Freedoms*. However, in some instances, they go beyond these minimum requirements and aim to build a system which will continue to deserve the confidence of the public. We believe that our justice system requires no less.[2]

We also understand that work is actively being undertaken on two of our reports: *Wills and Succession Legislation* (Report #108, 2003) and *The Modern Portfolio Theory* (Report #101, 1999). We hope that legislation will be introduced in the not too distant future. We have also asked the Minister to consider implementation of our recommendations on privity of contract (Report #80, 1993) and compensation for vaccine damaged children (Report #104, 2000).

3. CURRENT PROJECTS

A. Powers of Attorney

In recognition of the need to harmonize the laws of the western provinces in those areas where uniformity would be beneficial, the Alberta Law Reform Institute, the British Columbia Law Institute, the Manitoba Law Reform Commission and the Saskatchewan Law Reform Commission (the "Western Canadian Law Reform Consortium") have agreed to work together on joint reform projects, the first of which focuses on enduring powers of attorney. Although most of the agencies have recently addressed powers of attorney, further study is required in respect of facilitating recognition of the document, clarifying the duties of attorneys and resolving issues facing persons interacting with attorneys.

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[2]Manitoba Law Reform Commission, *The Independence of Justices of the Peace and Magistrates* (Report #75, 1991) 85.

A consultation paper was circulated and the Commission received five submissions which have been forwarded to the British Columbia Law Institute and will be considered by the project advisory committee in preparing the final report.

B. Private Title Insurance

This is a project of the Western Canadian Law Reform Consortium (the British Columbia Law Institute is not participating). This project overlays several large areas of law: land titles, surveys, municipal planning and insurance. The project also has to balance the interests of the various parties involved in real property conveyancing: vendors, purchasers, lenders and a range of professionals. In order better to understand those interests, the Commission informally consulted with stakeholders in the winter of 2004 following which the Commission's legal counsel prepared a draft discussion paper. The draft was then reviewed a number of times by the Commission as well as the project advisory group, comprising representatives of each of the participating law reform agencies (Ms Phillips and Mr. Bruce King). In November, 2004, the draft paper was sent to the Alberta Law Reform Institute for additional revision and production; however, completion of the paper has been delayed due to a number of developments in the industry. We hope to issue the paper in the 2005/2006 fiscal year.

C. Review of *The Garnishment Act*

This project, a reference from the Minister of Justice and Attorney General, had been held in abeyance due to lack of funds. However, as a result of the moneys saved by the closure of our offices for the months of July and August, it was decided to seek the services of outside consultants to undertake the project. In September 2004, the Commission retained Messrs. James Edmond and Sacha Paul, Winnipeg practising lawyers with the firm of Thompson, Dorfman, Sweatman.

It was agreed that the project should encompass a review of *The Garnishment Act* of Manitoba and garnishment legislation in other Canadian jurisdictions as well as any relevant articles, case law and law reform publications. A draft paper, including possible options for reform, was completed in early January 2005 and circulated to members of the Commission for consideration. The members met in late January to review the paper and decisions reached at that meeting with respect to style and content were shared with the consultants. The consultants prepared a revised draft and met with members of the Commission in mid-February. Following the round-table discussion as to how the paper could be improved upon, it was agreed at that time that a further revised draft should be circulated to departmental staff engaged in the day-to-day operation of the garnishment process prior to the Commission reaching its final recommendations. We hope to receive feedback from these individuals early in the new year.

D. Court Costs

As noted in our last Annual Report, this project was referred to us by the Court of Queen's Bench Rules Committee and we have retained Jonathan Penner, an independent researcher, to undertake the project. In our review, we will consider the rules and process under which costs are awarded by courts in Manitoba. We hope to have a draft paper, setting out options for reform, ready for the Commission's consideration by the summer of 2005.

E. Common Building Schemes

This project was referred to the Commission by Mr. Edward Brown, a Winnipeg practising lawyer, some time ago, but we have just found the time and resources necessary to look at the issue during the last few months.

The Commission is considering an amendment to *The Real Property Act* to allow an owner of two or more parcels of land to register a scheme of building restrictions, by unilateral declaration, on title to all lots in the development prior to sale. We hope to complete this project early in the new year.

F. *The Perpetuities and Accumulations Act* Review

In May 2004, the Registrar General of The Property Registry brought to our attention a possible conflict which has arisen between section 4 of *The Perpetuities and Accumulations Act* and section 81 of *The Real Property Act* with respect to the entry of a trust on the land titles register. This occurred as a result of the implementation of an earlier recommendation in our Report on *The Trust Provisions in The Perpetuities and Accumulations Act*.[1] Prof. Irvine consulted with representatives of The Property Registry early in 2005 and we will review the issue in the coming year.

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[1]Manitoba Law Reform Commission, *The Trust Provisions in The Perpetuities and Accumulations Act* (Report #89, 1995) 7.

PART III

ADMINISTRATION

1. THE COMMISSIONERS

The current members of the Commission and their terms of office are as follows:

Commissioner	Affiliation	Term expires
Clifford H.C. Edwards	Dean Emeritus, Faculty of Law, University of Manitoba	May 9, 2002
John C. Irvine	Professor, Faculty of Law, University of Manitoba	August 20, 2006
Gerald O. Jewers	Justice, Court of Queen's Bench	May 9, 2002
Kathleen C. Murphy	Practising lawyer	August 20, 2006
Alice R. Krueger	Lay member	April 3, 2005

The terms of office of Prof. Edwards and Mr. Justice Jewers continue in force until new appointments have been made or their terms have been extended through Order in Council.

Prof. Edwards is the President of the Commission. He has, however, submitted his resignation to the Minister and will be retiring on June 30, 2005. Prof. Edwards chaired the Commission from July 1979 until December 1986 and was re-appointed in July 1987 until the present. We will certainly include a very detailed overview of his work with the Commission in our next Annual Report. Suffice it to say at this time, that the task of finding a replacement will not be an easy one.

The Commission held 9 meetings during the past year. The members also met with the Minister of Justice and Attorney General and representatives of the Manitoba Law Foundation, The Law Society and the Faculty of Law, on September 2nd, 2004 to discuss the future of the Commission. Financial support was one of the main topics of discussion but no immediate solution came to light at that time.

2. STAFF

We continue to operate with what can only be described as the smallest possible staff. Sandra Phillips, our Legal Counsel, and Suzanne Pelletier, our Administrator, have managed the day-to-day operations for yet another year. Sandra is engaged full time and her work has been directed mostly to the Title Insurance project although she also provides assistance on all of our projects. Since December, she has concentrated her efforts on common building schemes. Suzanne, who is engaged part-time and continues to threaten retirement (but who has promised Prof. Edwards that she would not do so under his presidency), continues to deal with all financial and administrative issues as they arise.

Sandra requested and was granted a two month leave of absence without pay and, as a result, our offices were closed for July and August 2004.

3. CONSULTANTS

As noted above, Messrs. James Edmond and Sacha Paul, practising lawyers, were retained for the garnishment project and Mr. Jonathan Penner, an independent researcher, was retained on the court costs projects. In addition, Mr. Bruce King, practising lawyer, continues to assist on the private title insurance project; Mr. Rick Wilson, Registrar General, Messrs. Barry Effler and Russell Davidson, District Registrar and Senior Deputy District Registrar of the Winnipeg Land Titles Office, respectively, on both the private title insurance and common building schemes projects; and Mr. Edward Brown, practising lawyer, on the common building schemes project.

4. FINANCE

As noted above, Ms Phillips took a two month leave of absence last year; this provided us with some of the funds necessary to undertake the project on garnishment (a reference from the Minister). In addition, we were also fortunate once again to receive a $100,000 grant from the Manitoba Law Foundation. Unfortunately, the departmental grant remained at $70,000 plus $15,000 in-kind services for accounting services and office accommodation. As a result of our continued urging to the Minister that their contribution to the Commission's operations should be at least 50% of its total budget, we have now been informed that the Department's grant for the 2005-2006 fiscal year has been increased to $85,000 plus in-kind services of $15,000, for a total of $100,000. We are most grateful to the Minister for obtaining these additional funds for the coming year.

5. PUBLIC RELATIONS

Our Report on *Substitute Consent to Health Care* was released to the public in December 2004. Interviews were held with members of the media and an article appeared in the *Winnipeg Free Press* on December 15, 2004 outlining the report's major recommendations. We would also like to note, at this time, that our website has been improved to include the full text of our Reports from 1997 to date in PDF format as well as the Executive Summaries of these reports.

On June 24, 2004, Ms Phillips spoke to a group of elder care professionals at Lions Manor on the role and work of the Commission. At a November 2004 meeting of the Health Law Section of the Manitoba Bar Association, Ms Phillips participated in a panel discussion on do-not-resuscitate orders and the withdrawal of life support along with Lynne Arnason of the College of Physicians and Surgeons of Manitoba and Dr. Mike Harlos of the St. Boniface General Hospital. She also attended a round-table discussion on proposed amendment of the Human Rights Code to include "social condition" as a prohibited ground of discrimination sponsored by the Manitoba Human Rights Commission in November 2004.

We continue to keep the profession abreast of the work of the Commission by submitting articles to *Headnotes and Foot notes* and also submit articles to *Reform*, a publication of the Australian Law Reform Commission which is distributed throughout the Commonwealth.

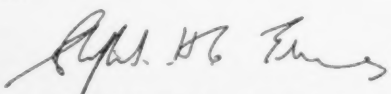
PART IV

CONCLUSION

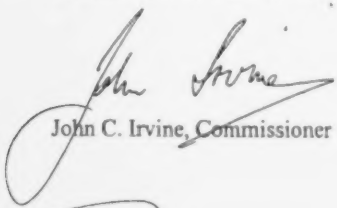
We wish to take this opportunity to thank the Manitoba Law Foundation for its continued and generous support, especially in these last few years of stringent financial resources. The assistance and support we have received from the administrative staff of the Department of Justice, The Property Registry, the Faculty of Law and the Provincial Archives and Legislative Library are always greatly appreciated. We also wish to thank the Deputy Minister, Mr. Bruce MacFarlane, and Mary Miles in his office who has acted as liaison between the Commission and the Minister for the past year.

And lastly, we wish to thank the Minister of Justice and Attorney General, Hon. Gord Mackintosh, for always being available to discuss the needs of the Commission and for his endeavours in obtaining additional funds for us in the coming year.

This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. L95, dated this 31st day of March 2005.

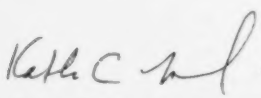


Clifford H.C. Edwards, President



John C. Irvine, Commissioner

Gerald O. Jewers, Commissioner



Kathleen C. Murphy, Commissioner

Alice R. Krueger, Commissioner

APPENDIX A

Statement of Receipts and Expenditures 2004-2005 Fiscal Year (000's)

RECEIPTS

Funds carried forward	$ 35.6
Grant from Department of Justice	70.0[1]
Grant from The Manitoba Law Foundation	100.0
Total	**$205.6**

EXPENDITURES

Commissioners' remuneration and benefits	$36.9
Legal counsel's remuneration	50.0
Administrator's remuneration	26.0
Student	0.0
Consultants	27.2
Telephone, fax, postage, courier	3.5
Supplies and service	1.7
Printing and photocopying	5.3
Computer related expenses	6.2
Meetings, travel and accommodation	0.1
Subscriptions and other operating	0.7
Membership fees	0.2
Total	**$157.8**
Surplus(Deficit)	**$47.8**[2]

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[1]In addition to its grant, the Department of Justice also provides the Commission with accounting services and office accommodation, a savings of approximately $15,000.

[2]As the last installment payment of $25,000 from the Law Foundation of Manitoba was not received until March 31, it has been carried forward to the 2005-2006 operating budget. In addition, at its February meeting, the Commission passed a motion to pay an additional $10,000 to the President in recognition of the many additional hours he has spent on directing our day-to-day operation and in view of the fact that he will be retiring as President on June 30, 2005. Payment of this honorarium was outstanding at March 31st, 2005. Also outstanding are the fees agreed upon with our consultant on the Court Costs project.

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

Report #	Title	Date	Implementation of Commission's Recommendations
#1	Jury Services for Registered Indians	April 7, 1971	An Act to Amend The Jury Act, S.M. 1971, c. 32
#2	Summary Disposition of Builders' and Workmen's Liens	April 13, 1971	An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22
#3	Disposition of Maintenance Judgments in Land Titles Offices	May 25, 1971	An Act to Amend The Judgments Act, S.M. 1972, c. 4
#4	An Act Respecting Billiard and Pool Rooms proposed repeal	October 19, 1971	The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8)
#5	Recommended Right of Mortgagors to Obtain Annual Statements	October 19, 1971	An Act to Amend The Mortgage Act, S.M. 1971, c. 28
#6	Enactment of a Mineral Declaratory Act	December 20, 1971	The Sand and Gravel Act, S.M. 1972, c. 34 An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11) An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16)
#7	Powers of Entry, Search and Seizure in The City of Winnipeg Act	January 24, 1972	An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63)
1A	Auto Engine Numbers in Section 11 of The Bills of Sale Act	May 11, 1971	The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3)
1B	(a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act	December 29, 1971	(change not recommended)
	(b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years	December 29, 1971	An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1))

Report #	Title	Date	Implementation of Commission's Recommendations
1C	Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation	January 12, 1972	An act to Amend The County Courts Act, S.M. 1972, c. 38
	First Annual Report	March 13, 1972	(not applicable)
#8	Section 45 of the Offenses Against the Person Act, 1861	July 27, 1972	An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13
#9	A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada	September 11, 1972	(change not recommended)
#10	The Abolition of Interspousal Immunity in Tort	December 19, 1972	An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23
2A	Comments on draft Bill to Amend The Jury Act	April 21, 1972	An Act to Amend The Jury Act, S.M. 1972, c. 56
2B	Relaxation of Limit of Number of Trustees under The Trustee Act	June 22, 1972	An Act to Amend The Trustee Act, S.M. 1972, c. 60
2C	Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.)	August 14, 1972	(not applicable for provincial amendment)
2D	Automatic Attachment of Wages for Maintenance Orders	November 27, 1972	An Act to Amend The Garnishment Act, S.M. 1974, c. 8
	Second Annual Report	March 20, 1973	(not applicable)
#11	The Advisability of a Good Samaritan Law	March 8, 1973	(change not recommended)
#12	Section 110 of The Real Property Act - the immortal Manitoba mortgage	April 11, 1973	An Act to Amend The Real Property Act, S.M. 1974, c. 44
#13	Pre-licensing Education for Real Estate Agents in Manitoba	December 3, 1973	An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23

Report #	Title	Date	Implementation of Commission's Recommendations
#14	Special Enduring Powers of Attorney	January 8, 1974	The Powers of Attorney Act, S.M. 1980, c. 4
#15	Administration of Justice Part I - Control of Post-arrest/pre-trial detention	February 26, 1974	Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre
3A	Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District	March 30, 1973	An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28
3B	Correcting recent error in s. 51 of The Queen's Bench Act	September 26, 1973	An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15
3C	Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines	October 16, 1973	(not applicable for provincial enactment)
3D	Up-dating index to Statutes of Manitoba	October 23, 1973	Indexing commenced; computer search of statutes available
3	Repeal of Section 212 of The Liquor Control Act	December 19, 1973	Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63
	Third Annual Report	April 1, 1974	(not applicable)
#16	Definition of Death	May 6, 1974	An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5
#17	An International Form of Wills for Manitobans	May 6, 1974	An Act to Amend The Wills Act, S.M. 1975, c. 6
#18	The Rule in Saunders v. Vautier	January 8, 1975	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4)
#19	The Administration of Justice in Manitoba Part II - Review of The Jury System	February 11, 1975	An Act to Amend The Jury Act, S.M. 1977, c. 18
4A	Interprovincial Subpoenas	January 27, 1975	The Interprovincial Subpoena Act, S.M. 1975, c. 3

Report #	Title	Date	Implementation of Commission's Recommendations
4B	Enforcement of Custody Orders	January 27, 1975	The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4
4C	Statutory Sums	February 11, 1975	Various amendments to Manitoba statutes
	Fourth Annual Report	April 9, 1975	(not applicable)
#20	The Highway Traffic Act	June 16, 1975	An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34 An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19
#21	The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement	January 28, 1976	-
#22	Some Aspects of Fire Insurance Legislation in Manitoba	February 9, 1976	An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1)
#23	Family Law - Part I The Support Obligation	February 27, 1976	The Family Maintenance Act, S.M. 1978, c. 25
#24	Family Law - Part II Property Disposition	February 27, 1976	An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2 The Marital Property Act, S.M. 1978, c. 24 An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27 An Act to Amend The Wills Act, S.M. 1980, c. 7
5A	Limitation of Actions for the taking away, conversion or detention of chattels	May 26, 1975	An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4)
	Fifth Annual Report	March 29, 1976	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
#25	The Case for a Provincial Bill of Rights	May 19, 1976	-
#26	Revision of Birth Certificates of Trans-sexual Persons	September 13, 1976	The Vital Statistics Act, S.M. 1982-83-84, c. 58
	Sixth Annual Report	March 14, 1977	(not applicable)
7A	The Local Authorities Election Act	May 31, 1977	An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48
	Seventh Annual Report	March 1, 1978	(not applicable)
#27	Limitation of Actions: Time Extensions for Children, Disabled Persons and Others	January 8, 1979	An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28
#28	Enforcement of Judgments Part I: Exemptions under The Garnishment Act	January 8, 1979	An Act to Amend The Garnishment Act, S.M. 1979, c. 8
#29	Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act	February 12, 1979	An Act to Amend The Mental Health Act, S.M. 1980, c. 62
#30	Confidentiality of Adoption Records	February 12, 1979	An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60) An Act to Amend The Child Welfare Act, S.M. 1980, c. 41 Establishment of a Post-adoption Registry
8A	Section 5(1) of The Social Allowances Act	March 30, 1978	The Statute Law Amendment Act (1984), S.M. 1984, c. 17
	Eighth Annual Report	February 12, 1979	(not applicable)
#31	Political Financing and Election Expenses	August 13, 1979	The Elections Finances Act, S.M. 1980, c. 68
#32	Mechanics' Liens Legislation	August 13, 1979	The Builders' Liens Act, S.M. 1980-81, c. 7
#33	Enforcement of Revenue Statutes	August 13, 1979	The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50

Report #	Title	Date	Implementation of Commission's Recommendations
#34	Enforcement of Judgments Part III: Exemptions under The Executions Act	October 22, 1979	An Act to Amend The Executions Act, S.M. 1980, c. 55
#35	Estate Claims for Loss of Expectation of Life	October 22, 1979	An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5
#36	Improved Methods of Enforcing Support Orders Against Real Property	November 19, 1979	The Family Law Amendment Act, S.M. 1980, c. 54
#37	Systems of Voter Registration	November 26, 1979	The Elections Act, S.M. 1980, c. 67
#38	The One Year Rule for Enforcement of Arrears in Maintenance	January 21, 1980	An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21
9A	The Fire Departments Arbitration Act	April 17, 1979	An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27
9B	Section 7 of The Payment of Wages Act	August 15, 1979	An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57
9C	The Seduction Act	October 22, 1979	The Equality of Status Act, S.M. 1982, c. 10
9D	Section 9 of The Manitoba Evidence Act	November 6, 1979	An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26
9	The Wills Act and Ademption	November 20, 1979	An Act to Amend The Wills Act, S.M. 1980, c. 7
9F	The term "illegitimate"	December 4, 1979	(change not recommended)
	Ninth Annual Report	February 25, 1980	(not applicable)
#39	Controverted Elections	April 21, 1980	-
#40	Enforcement of Judgments Part II: Exemptions under The Judgments Act	April 21, 1980	-
#41	The Statute of Frauds	August 11, 1980	An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34
#42	Occupiers' Liability	August 11, 1980	The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28)

Report #	Title	Date	Implementation of Commission's Recommendations
#43	The Wills Act and the Doctrine of Substantial Compliance	September 8, 1980	The Wills Act, S.M. 1982-83-84, c. 31
#44	The General Register	September 22, 1980	The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27
#45	Simplified Mortgage	December 15, 1980	(legislative amendment not required)
10A	Municipal Assessment of Personal Property	February 26, 1980	(referred to Special Committee)
10B	The Marriage Settlement Act	October 9, 1980	The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22)
	Tenth Annual Report	February 16, 1981	(not applicable)
#46	Conflict of Interest of Municipal Councillors	April 14, 1981	The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44
#47	Prejudgment Compensation on Money Awards: Alternatives to Interest	January 4, 1982	The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act)
#48	Prescriptive Easements and Profits-à-prendre	January 18, 1982	-
#49	The Rules Against Accumulations and Perpetuities	February 12, 1982	The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43
#50	Investment Provisions under The Trustee Act	February 12, 1982	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38
11A	Parents' Maintenance Legislation	March 3, 1981	The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34
11B	Provincial Offences Procedures	June 29, 1981	An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24
11C	The Remembrance Day Act	January 28, 1982	-
	Eleventh Annual Report	February 14, 1982	(not applicable)
#51	The Survivorship Act	September 7, 1982	The Survivorship Act, S.M. 1982-83-84, c. 28

Report #	Title	Date	Implementation of Commission's Recommendations
#52	Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba	October 25, 1982	An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82 The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83 The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84 An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85
#53	The Law of Domicile	December 1, 1982	The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80
#54	Certificates of Lis Pendens	February 1, 1983	The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58)
#55	Structure of the Courts, Part II: The Adjudication of Smaller Claims	March 7, 1983	The Statute Law Amendment Act (1985), S.M. 1985, c. 51
	Twelfth Annual Report	April 11, 1983	(not applicable)
#56	Medical Privilege	October 4, 1983	(privilege not recommended)
#57	Uniform Sale of Goods Act	November 1, 1983	-
	Thirteenth Annual Report	April 2, 1984	(not applicable)
#58	Administrative Law; Part I: Procedures of Provincial Government Agencies	June 29, 1984	(legislative amendment not required); implementation, in part, through governmental policy
#59	Breach of Promise to Marry	October 1, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
#60	An Examination of The Dower Act	November 19, 1984	The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46

Report #	Title	Date	Implementation of Commission's Recommendations
#61	Intestate Succession	March 25, 1985	The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43
14A	Jactitation of Marriage	October 5, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
	Fourteenth Annual Report	April 2, 1985	(not applicable)
#62	Small Projects 1) Section 6 of The Mercantile Law Amendment Act 2) The Rule in Shelley's Case 3) Permissive and Equitable Waste	October 7, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
#63	The Testators Family Maintenance Act	December 16, 1985	The Dependants Relief Act, S.M. 1989-90, c. 42
#64	The Married Women's Property Act and Related Matters	December 16, 1985	-
#65	Section 83 of The Queen's Bench Act	March 31, 1986	The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12)
#66	The Human Tissue Act	March 31, 1986	The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 An Act to Amend The Anatomy Act, S.M. 1987, c. 57
15A	Section 300 of The Liquor Control Act	June 17, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Fifteenth Annual Report	May 6, 1986	(not applicable)
#67	Sections 33 and 34 of The Wills Act	June 16, 1986	The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44
#68	Periodic Payment of Damages	March 31, 1987	The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19
#69	Administrative Law, Part II: Judicial Review of Administrative Action	March 31, 1987	-
	Sixteenth Annual Report	April 13, 1987	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
17A	The Wages Recovery Act	September 9, 1987	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Seventeenth Annual Report	September 14, 1988	(not applicable)
#70	The Manitoba Law Reform Commission: A Framework for the Future	November 23, 1988	The Law Reform Commission Act, S.M. 1989-90, c. 25
#71	The Bulk Sales Act	December 21, 1988	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Eighteenth Annual Report	August 8, 1989	(not applicable)
#72	The Independence of Provincial Judges	June 28, 1989	The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14
	Nineteenth Annual Report	May 15, 1990	(not applicable)
#73	Statutory Designations and The Retirement Plan Beneficiaries Act	October 23, 1990	The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31
20A	Limitation of Actions Brought by the Crown	September 27, 1990	-
20B	Replevin and the Need for Prior Possession	January 28, 1991	(change not recommended)
	Twentieth Annual Report	March 31, 1991	(not applicable)
#74	Self-Determination in Health Care (Living Wills and Health Care Proxies)	June 25, 1991	The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33
#75	The Independence of Justices of the Peace and Magistrates	August 15, 1991	Bill 11, *The Provincial Court Amendment Act (Justices of the Peace)*, introduced December 8, 2004
#76	Sterilization and Legal Incompetence	January 27, 1992	(change not recommended)
	Twenty-first Annual Report	March 31, 1992	(not applicable)
#77	Non-charitable Purpose Trusts	September 21, 1992	-
#78	Tort Liability for Animals	November 23, 1992	The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8
#79	Ethical Investments by Trustees	January 25, 1993	The Trustee Amendment Act, S.M. 1995, c. 14

Report #	Title	Date	Implementation of Commission's Recommendations
22A	Scope of Apportionment under The Tortfeasors and Contributory Negligence Act	June 22, 1992	-
22B	Section 23 of The Wills Act Revisited	December 14, 1992	The Wills Amendment Act, S.M. 1995, c. 12
	Twenty-second Annual Report	March 31, 1993	(not applicable)
#80	Privity of Contract	October 5, 1993	-
#81	Distress for Rent in Commercial Tenancies	January 4, 1994	-
#82	Pre-contractual Misstatements	March 7, 1994	-
#83	Enduring and Springing Powers of Attorney	March 29, 1994	The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62
	Twenty-third Annual Report	March 31, 1994	(not applicable)
#84	Regulating Professions and Occupations	October 28, 1994	Partly implemented, in principle, by amendments to various Acts of the Legislature
#85	Arbitration	November 28, 1994	The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4
#86	Covenants in Commercial Tenancies	March 28, 1995	-
24A	A Small Discrepancy between The Elections Act and The Local Authorities Election Act	April 26, 1994	-
24B	Lapsed Residual Gifts in Wills	May 16, 1994	(no longer required due to *Re Smith and McKay* (1994), 116 D.L.R. (4th) 308 (Man. C.A.))
24C	Security for the Administration of Estates	October 6, 1994	-
	Twenty-fourth Annual Report	March 31, 1995	(not applicable)
#87	Interim Payment of Damages	June 6, 1995	-
#88	Reselling Unused Cemetery Plots	September 21, 1995	-
#89	The Trust Provisions in The Perpetuities and Accumulations Act	September 21, 1995	-
#90	Residential Exemptions from Judgment Execution	October 17, 1995	-

Report #	Title	Date	Implementation of Commission's Recommendations
#91	Minors' Consent to Health Care	December 12, 1995	-
#92	Fundamental Breach and Frustration in Commercial Tenancies	January 23, 1996	-
#93	Animal Protection	February 13, 1996	The Animal Care Act, S.M. 1996, c. 69
	Twenty-fifth Annual Report	March 31, 1996	(not applicable)
#94	Confidentiality of Mediation Proceedings	April 23, 1996	-
#95	Commercial Tenancies: Miscellaneous Issues	July 29, 1996	-
#96	Special Constables	November 12, 1996	Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services
#97	Section 270 of The Highway Traffic Act	March 24, 1997	-
#98	Stalking	May 28, 1997	The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41
	Twenty-sixth Annual Report	June 30, 1997	(not applicable)
#99	Review of the Small Claims Court	March 17, 1998	The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22
	Twenty-seventh Annual Report	March 31, 1998	(not applicable)
#100	Class Proceedings	January 1999	The Class Proceedings Act, S.M. 2001-2002, c. 14
	Twenty-eighth Annual Report	March 31, 1999	(not applicable)
#101	Trustee Investments: The Modern Portfolio Theory	June 1999	-
#102	Informal Assessment of Competence	September 1999	-
#103	Adult Protection and Elder Abuse	December 1999	-

Report #	Title	Date	Implementation of Commission's Recommendations
	Twenty-ninth Annual Report	March 31, 2000	(not applicable)
#104	Compensation of Vaccine-Damaged Children	June 2000	-
#105	Assessment of Damages under *The Fatal Accidents Act* for the loss of Guidance, Care and Companionship	October 2000	The Fatal Accidents Amendment Act, S.M. 2001-2002, c. 13
#106	The Legislative Assembly and Conflict of Interest	December 2000	The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act, S.M. 2001-2002, c. 49
	Thirtieth Annual Report	March 31, 2001	(not applicable)
#107	Good Faith and the Individual Contract of Employment	December 2001	-
	Thirty-first Annual Report	March 31, 2002	(not applicable)
#108	Wills and Succession Legislation	March 11, 2003	-
	Thirty-second Annual Report	March 31, 2003	(not applicable)
#109	Withholding or Withdrawing Life Sustaining Medical Treatment	December 18, 2003	-
	Thirty-third Annual Report	March 31, 2004	(not applicable)
#110	Substitute Consent to Health Care	October 26, 2004	-
	Thirty-fourth Annual Report	March 31, 2005	(not applicable)